

# EXHIBIT 6

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**From:** Louis Fisher  
**Sent:** Friday, November 16, 2018 7:59 PM  
**To:** John Hooks  
**Cc:** John Compton; Natasha Merle; Kristen A. Johnson; John Cusick; Aria Vaughan; Natane.Singleton@usdoj.gov  
**Subject:** RE: Barnhardt v. Meridian: forthcoming motions  
**Attachments:** 11.16 Good Faith Cert.pdf

Good evening John:

As discussed in our previous emails, Chief Clayton could not substantively answer questions including: (1) the required trainings under the 2013 Consent Decree, (2) the proposed revisions by the United States and Plaintiffs to MPSPDP policies and procedures, and (3) the MPSPDP's policies and procedures manual. Indeed, Chief Clayton testified that he did not review any documents in preparation for his testimony.

In response to questions about trainings, Chief Clayton provided evasive answers to specific questions and stated that he would have to look back at the document to discuss the training. MPSPD 30(b)(6) Clayton Dep. 47: 2-12, 54: 12-17, 88: 10-14, and 90: 4-8.



Chief Clayton affirmatively stated he could not comment on the proposed edits to the policies and procedures because he sent them back to the United States. Id. 103: 4-14.

Last, Chief Clayton testified that Plaintiffs had an outdated version of the policies and procedures and stated he would need to look back at it in order to answer any questions about the document. Id. 80: 14-16.

A number of these documents that Chief Clayton testified he would need to review to discuss, had not been produced, including the updated version of policies and procedures. Without access to these documents, Plaintiffs had no other way to obtain this information but for Chief Clayton's testimony.

We are seeking to re-depose Chief Clayton. If the District does not consent, please return the good-faith certificate, which is attached again.

Sincerely,  
Louis

**Louis Fisher**  
**Harvard Law Review Public Interest Fellow**  
**NAACP Legal Defense and Educational Fund, Inc.**  
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**From:** John Hooks <John.Hooks@arlaw.com>

**Sent:** Friday, November 16, 2018 6:27 PM

**To:** Louis Fisher <lfisher@naacpldf.org>

**Cc:** John Compton <JCompton@witherspooncompton.com>; Natasha Merle <nmerle@naacpldf.org>; Kristen A. Johnson <kjohnson@naacpldf.org>; John Cusick <jcusick@naacpldf.org>; Aria Vaughan <Aria.Vaughan@usdoj.gov>; Natane.Singleton@usdoj.gov

**Subject:** Re: Barnhardt v. Meridian: forthcoming motions

Hi Louis:

You have not conferred in good faith, because you have not cited to any portions of the Chief's transcript to substantiate your allegations that he did not provide sufficient answers. Again, I am requesting you set out in detail exactly the questions you claim he did not answer. I do not believe that a global allegation that the witness did not comply is sufficient to satisfy your good-faith burden.

Without these specifics, how could the District negotiate with you?

Thanks,

John

John S. Hooks

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On Nov 16, 2018, at 5:16 PM, Louis Fisher <[lfisher@naacpldf.org](mailto:lfisher@naacpldf.org)> wrote:

John:

Thank you for your response. Please return an executed copy of the attached good faith certificate regarding our motion for leave to re-depose, so that we may file it today.

Thanks,

Louis

**Louis Fisher**

**Harvard Law Review Public Interest Fellow**

**NAACP Legal Defense and Educational Fund, Inc.**

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<image001.jpg> [212.965.2267](https://www.naacpldf.org/212.965.2267) <image001.jpg> [lfisher@naacpldf.org](mailto:lfisher@naacpldf.org)  
[www.naacpldf.org](http://www.naacpldf.org) <image002.jpg> <image003.jpg>

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**From:** Jaime Dole <[Jaime.Dole@arlaw.com](mailto:Jaime.Dole@arlaw.com)> **On Behalf Of** John Hooks  
**Sent:** Friday, November 16, 2018 5:27 PM  
**To:** Louis Fisher <[lfisher@naacpldf.org](mailto:lfisher@naacpldf.org)>; John Hooks <[John.Hooks@arlaw.com](mailto:John.Hooks@arlaw.com)>  
**Cc:** John Compton <[JCompton@witherspooncompton.com](mailto:JCompton@witherspooncompton.com)>; Natasha Merle <[nmerle@naacpldf.org](mailto:nmerle@naacpldf.org)>; Kristen A. Johnson <[kjohnson@naacpldf.org](mailto:kjohnson@naacpldf.org)>; John Cusick <[jcusick@naacpldf.org](mailto:jcusick@naacpldf.org)>; Aria Vaughan <[Aria.Vaughan@usdoj.gov](mailto:Aria.Vaughan@usdoj.gov)>; [Natane.Singleton@usdoj.gov](mailto:Natane.Singleton@usdoj.gov)  
**Subject:** RE: Barnhardt v. Meridian: forthcoming motions

Hi Louis,

Please see my previous email in response to Aria's message.

Thank you,

John

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**From:** Louis Fisher [<mailto:lfisher@naacpldf.org>]  
**Sent:** Friday, November 16, 2018 3:15 PM  
**To:** John Hooks  
**Cc:** John Compton; Natasha Merle; Kristen A. Johnson; John Cusick; Aria Vaughan; [Natane.Singleton@usdoj.gov](mailto:Natane.Singleton@usdoj.gov)  
**Subject:** RE: Barnhardt v. Meridian: forthcoming motions

John:

Chief Clayton was unable to substantively answer questions relating to trainings—both required under the MOU between the Meridian Police Department and Meridian Public School District Police Department (“MPSDPD”) and the 2013 Consent Order; MPDSDPD’s policies and procedural manual; and revisions to edits proposed by the United States and Plaintiffs to several policies introduced as exhibits during the deposition. Throughout these lines of questions, Chief Clayton testified that he would have to look back at the document to provide an answer and/or that he had submitted documentation of which Plaintiffs have no record.

Plaintiffs would also like to re-up our request of your position on our motion to extend the discovery deadline to 2-weeks after receipt of anything ordered by the Court, as well as to extend our time to provide objections to unitary status until 2 weeks after such receipt of the documents/opportunity to re-depose. As you know, Plaintiffs have a motion to compel already outstanding. We also intend to file motion to compel production of documents responsive to RFP 21 today and a motion to re-depose Chief Clayton (if the parties are unable to come to an agreement).

Let me know if you have any additional questions.

Thank you,

Louis

**Louis Fisher**

**Harvard Law Review Public Interest Fellow**

**NAACP Legal Defense and Educational Fund, Inc.**

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**From:** John Hooks <[John.Hooks@arlaw.com](mailto:John.Hooks@arlaw.com)>

**Sent:** Thursday, November 15, 2018 12:48 PM

**To:** Louis Fisher <[lfisher@naacpldf.org](mailto:lfisher@naacpldf.org)>

**Cc:** John Compton <[JCompton@witherspooncompton.com](mailto:JCompton@witherspooncompton.com)>; Natasha Merle <[nmerle@naacpldf.org](mailto:nmerle@naacpldf.org)>; Kristen A. Johnson <[kjohnson@naacpldf.org](mailto:kjohnson@naacpldf.org)>; John Cusick <[jcusick@naacpldf.org](mailto:jcusick@naacpldf.org)>; Aria Vaughan <[Aria.Vaughan@usdoj.gov](mailto:Aria.Vaughan@usdoj.gov)>; [Natane.Singleton@usdoj.gov](mailto:Natane.Singleton@usdoj.gov)

**Subject:** Re: Barnhardt v. Meridian: forthcoming motions

Louis:

Please provide a list of questions you contend Chief Clayton did not answer, including citations to the transcript.

I will respond once I have reviewed.

Thanks,

John

John S. Hooks

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15, 2018, at 10:44 AM, Louis Fisher <[lfisher@naacpldf.org](mailto:lfisher@naacpldf.org)> wrote:

All,

Plaintiffs plan to file a motion to extend the discovery deadline to a date two weeks after the Court's ruling on our pending motion to compel. Please let us know by COB today if you consent to this extension?

Plaintiffs also plan to file a motion to re-depose Chief Clayton based on his lack of preparedness for the 30(b)(6) deposition. Please give your positions on this request today as well.

Thanks,

Louis

**Louis Fisher**

**Harvard Law Review Public Interest Fellow**

**NAACP Legal Defense and Educational Fund, Inc.**

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